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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Christian Copyright Licensing International,
LLC,

Plaintiff,

v.

Multitracks.com, LLC,

Defendant.

Case No.: 2:23-cv-00368-DWL

**DEFENDANT'S OBJECTIONS TO
PLAINTIFF'S PRETRIAL
DISCLOSURES**

Pursuant to Rule 26(a)(3)(B) of the Federal Rules of Civil Procedure, Defendant Multitracks.com LLC objects to the following documentary evidence identified in Plaintiff's Rule 26(a)(3) Pretrial Disclosure dated March 1, 2024.¹

For ease of reference, the objections lodged herein will track the order of proposed exhibits as identified in Plaintiff's Pretrial Disclosure:

1. CCLI000092: hearsay, authenticity, foundation.

¹ It is not at all clear why Plaintiff served its final pretrial disclosure at this stage of the litigation. Plaintiff did not comply with Rule 26(a)(3)(A), because Plaintiff did not "file" its final pretrial disclosure. However, out of an abundance of caution and to avoid any argument regarding purported waiver, Defendant has filed these objections.

2. CCLI0000364 – 66: lack of timely disclosure², hearsay, authenticity, foundation.

3. CCLI0002204 – 05: lack of timely disclosure, hearsay, authenticity, foundation.

4. CCLI00003 – 5: no objection.

5. CCLI00006 – 8: no objection.

6. CCLI0002206 – 10: no objection.

7. CCLI0002211 – 15: lack of timely disclosure, hearsay, foundation, authenticity.

8. CCLI0002072 – 75: lack of timely disclosure, hearsay, foundation, authenticity.

9. CCLI0002076 – 84: lack of timely disclosure, hearsay, foundation, authenticity.

10. CCLI0002085 – 88: lack of timely the disclosure, hearsay, foundation, authenticity.

11. CCLI0002089 – 90: lack of timely disclosure, hearsay, foundation, authenticity.

12. CCLI0002091 – 94: lack of timely disclosure, hearsay, foundation, authenticity.

13. CCLI0002095 – 100: lack of timely disclosure, hearsay, foundation, authenticity.

14. CCLI0002101 – 09: lack of timely disclosure, hearsay, foundation, authenticity.

15. CCLI0002110: lack of timely disclosure, hearsay, foundation, authenticity.

16. CCLI0002117 – 2125: lack of timely disclosure, hearsay, foundation, authenticity.

17. CCLI0002126 – 33: lack of, disclosure, hearsay, foundation, authenticity.

18. CCLI0002134 – 38: lack of timely disclosure, hearsay, foundation, authenticity.

19. CCLI0002139 – 42: lack of timely disclosure, hearsay, foundation, authenticity.

² “Rule 37(c)(1) is an ‘automatic’ sanction that prohibits the use of improperly disclosed evidence.” *Merch. v. Corizon Health, Inc.*, 993 F.3d 733, 740 (9th Cir. 2021) (citing *Yeti by Molly, Ltd. v. Deckers Outdoor Corp.*, 259 F.3d 1101, 1106 (9th Cir. 2001)).

20. CCLI0002143 – 44: lack of timely disclosure, hearsay, foundation, authenticity.
 21. CCLI0002145 – 58: lack of timely disclosure, hearsay, foundation, authenticity.
 22. CCLI0002159 - 66: lack of timely disclosure, hearsay, foundation, authenticity.
 23. CCLI0002167 – 68: lack of timely disclosure, hearsay, foundation, authenticity.
 24. CCLI000-2169 – 17: lack of timely disclosure, hearsay, foundation,
authenticity.
 25. CCCLI0002173 – 74: lack of timely disclosure, hearsay, foundation,
authenticity.
 26. CCLI0002185 – 86: lack of timely disclosure, hearsay, foundation, authenticity.
 27. CCLI0002189 – 91: lack of timely disclosure, hearsay, foundation, authenticity.
 28. CCLI0002192 – 95: lack of timely disclosure, hearsay, foundation, authenticity.
 29. CCLI0002196 – 201: lack of timely disclosure, hearsay, foundation,
authenticity.
- Plaintiff’s Rule 26(a)(3) disclosure also purports to “reserve the right” to introduce additional documents, and has (somewhat confusingly) identified those documents beginning with a new enumerated list. The following objections are preserved:
1. CCLI’s Complaint: no objection.
 2. MTC’s Answer and Counterclaim: no objection.
 3. MTC’s Responses to Plaintiff’s First Set of Requests for Admission: no
objection
 4. MTC’s Supplemental Responses to Plaintiff’s First Set of Interrogatories: no
objection.
 5. MTC’s Responses to Plaintiff’s First Set of Request for Production: no
objection.
 6. CCLI00001 – 2: lack of timely disclosure, foundation, authenticity.
 7. CCLI00009 – 10: lack of timely disclosure, foundation, authenticity.

- 1 8. CCLI000085 – 90: no objection.
- 2 9. CCLI000091 - 94: hearsay, foundation, authenticity.
- 3 10. CCLI000095 – 98: hearsay, foundation, authenticity.
- 4 11. CCLI000100 – 10: hearsay, foundation, authenticity.
- 5 12. CCLI000011 – 24: hearsay, foundation, authenticity.
- 6 13. CCLI000125 – 32: hearsay, foundation, authenticity.
- 7 14. CCLI000133 – 67: hearsay, foundation, authenticity.
- 8 15. CCLI000168 – 96: hearsay, foundation, authenticity.
- 9 16. CCLI000197 – 98: hearsay, foundation, authenticity.
- 10 17. CCLI 000347 – 56: hearsay, foundation, authenticity.
- 11 18. CCLI000367 – 409: lack of timely disclosure, hearsay, authenticity, foundation.
- 12 19. CCLI000410 – 58: lack of timely disclosure, hearsay, foundation, authenticity.
- 13 20. CCLI000459 – 672: lack of timely disclosure, hearsay, foundation, authenticity.
- 14 21. CCLI000673 – 676: lack of timely disclosure, hearsay, foundation, authenticity.
- 15 22. CCLI000685 – 1854: lack of timely disclosure, hearsay, foundation,
16 authenticity.
- 17 23. CCLI00185 – 90: lack of timely disclosure, hearsay, foundation, authenticity.
- 18 24. CCLI0001891 – 2071: lack of timely disclosure, hearsay, foundation,
19 authenticity
- 20 25. CCLI0002183 – 84: lack of timely disclosure, hearsay, authenticity, foundation.
- 21 26. CCL0002187 – 88: lack of timely disclosure, hearsay, foundation, authenticity.
- 22 27. CCLI0002202 – 03: lack of timely disclosure, hearsay, foundation, authenticity.
- 23 28. CCLI0002216 – 18: lack of timely disclosure, hearsay, foundation, authenticity.
- 24 29. CCLI0002219 – 22: lack of timely disclosure, hearsay, authenticity, foundation.
- 25
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1 RESPECTFULLY SUBMITTED this 15th day of March, 2024.

2 DICKINSON WRIGHT, PLLC

3
4 By: /s/ Scot L. Claus

5 Scot L. Claus

6 Holly M. Zoe

7 1850 N. Central Avenue, Suite 1400

8 Phoenix, Arizona 85004

9 *Attorneys for Defendant*

CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2024, I electronically transmitted the attached document to the Clerk of the Court using the CM/ECF system, and which will be sent electronically to all registered participants as identified on the Notice of Electronic Filing, and paper copies will be sent to those indicated as non-registered participants.

By: /s/ Sheila Rath
4861-9469-0989 v2 [95994-1600]